

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ALARIC F. SIMON,	:	
Plaintiff,	:	Case No. 3:05-cv-191
-vs-	:	District Judge Thomas M. Rose
		Chief Magistrate Judge Michael R. Merz
MIAMI COUNTY INCARCERATION FACILITY, et al.	:	
	:	
Defendants.		

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations on Appellate Filing Fee of United States Magistrate Judge Michael R. Merz (Doc. #99), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that several extensions of time were granted but that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on October 16, 2006, hereby ADOPTS said Report and Recommendations, finding that the appeal is frivolous and same is certified to the Sixth Circuit and this Court hereby assesses the appellate filing fee of \$455 against the Plaintiff. Said fee shall be paid in full not later than November 15, 2006. Failure to pay the fee may result in dismissal of the appeal.

The Clerk shall furnish a copy of this Order to the Sixth Circuit Court of Appeals.

October 19, 2006.

***s/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge